IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lolayekar, Santosh C. et al.

Serial No. 10/051,339 Group Art Unit: 2154

Filed: January 18, 2002 Examiner: Lin, Wen Tai

Title: Enforcing Quality of Service in a Storage Network

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPON FAILURE TO RECEIVE OFFICE ACTION (MPEP §711.03(c) I. A and 37 CFR §1.181)

Mail Stop PETITION Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notice of Abandonment of 11/20/2007 for non-payment of the Issue and Publication Fees, Applicants hereby Petition to Withdraw the Holding of Abandonment Based Upon Failure to Receive the Notice of Allowance (MPEP §711(c) I. A and 37 C.F.R. §1.181).

The basis for this petition is that the Notice of Allowance mailed on 7/26/2007 to the undersigned Attorney of Record was not received.

In support of this Petition is the following showing:

- A Statement by the undersigned Attorney of Record (practitioner)
 responsible for prosecuting this application:
 - (i) stating that the Notice of Allowance and Fee(s) Due mailed 7/26/2007 was not received at the correspondence address of record of the USPTO;
 - (ii) describing the docketing systems used for recording an Office Action received from the USPTO and the reliability of such systems; and
 - (iii) that a search of the undersigned records including docketing systems, and the file jacket and application contents showed no record or indication that the Notice of Allowance and Fee(s) Due was received.
- 2. Copies of listings of the two master docketing/calendar systems: Week-at-a-Glance Professional Appointments (pdf files DKT-1, DKT-2 and DKT-3) and Outlook Calendar (pdf file OL_Calendar_8-11-2007) used by the undersigned to record receipt of an Office Action for the five months July 2007 through November 2007 encompassing the mailing date (7/26/2007) of the Notice of Allowance and one full month past the due date of 10/26/2007.
- Copy of an RCE with Return Receipt Postcard and Check No. 1387
 showing the USPTO mail room date stamp of May 2, 2007 (pdf file RCE_PC&Check).
- 4. Copy of an IDS with Return Receipt Postcard and Check No. 1408 showing USPTO mail room date stamp of June 7, 2007 (pdf file IDS_PC&Check).

5. Copy of Office Communication directed to the undersigned at the correspondence address of record dated 8/29/2007 (pdf file Off_Comm_8-29-07) acknowledging an IDS.

REMARKS

Based upon the enclosed Statement of the undersigned Attorney of Record that after a search of the docketing records where an Office Action from the USPTO would be recorded, and a search of the file jacket of Application Serial No. 10/051,339 (Attorney Docket No. E003-1006US0), there is no record of the Notice of Allowance of 7/29/2007 having been received.

Moreover, the return Receipt Postcard and Check 1387 (Item 3 above) shows that Applicants filed an RCE and a fee of \$910 with the Office on May 2, 2007 in this application, and the Return Receipt Postcard and Check 1408 (Item 4 above) shows that Applicants filed an IDS with a fee of \$180 on June 7, 2007, less than two (2) months prior to the mailing of the Notice of Allowance on July 26, 2007. The diligence with which Applicants had prosecuted this application, coupled with these two recent filings and the large fees paid to the Office to advance prosecution just prior to the date of the Notice of Allowance demonstrate that Applicants were actively pursuing this application to an allowance, and that the undersigned was keenly concerned about its progress in the Office.

Additionally, the Office Communication dated August 29, 2007 (item 5 above) which was correctly received by the undersigned at the correspondence address of

Attorney Docket No. E003-1006US0

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record on September 2, 2007, provided reassurance that Office had the correct

correspondence address, that this application was on-track and actively being examined,

and that further communications from the Office would be forthcoming. Had the Notice

of Allowance been received, it would have been welcomed and the fees promptly paid.

It was not until the Notice of Abandonment was received on November 26, 2007

that the undersigned became aware that a Notice of Allowance had, in fact, been mailed

and was past due.

It is respectfully submitted that in view of the above and the attached showing, the

evidence clearly points to the conclusion that the Notice of Allowance was not received

by the undersigned at the correspondence address of record.

Accordingly, it is respectfully requested that this Petition be granted, that the

Holding of Abandonment be withdrawn, and that a new Notice of Allowance be mailed.

Dated: November 27, 2007

Respectfully Submitted,

/Barry N. Young/

Barry N. Young

Attorney for Assignee/Applicants

Reg. No. 27,744

Customer No. 48789 Law Offices of Barry N. Young Court House Plaza, Suite 410 260 Sheridan Avenue

Palo Alto, CA 94306-2047

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lolayekar, Santosh C. et al.

Serial No. 10/051,339 Group Art Unit: 2154

Filed: January 18, 2002 Examiner: Lin, Wen Tai

Title: Enforcing Quality of Service in a Storage Network

STATEMENT OF PRACTITIONER IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPON FAILURE TO RECEIVE OFFICE ACTION (MPEP §711.03(c) I. A and 37 CFR §1.181)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The Undersigned Attorney of Record hereby submits this Statement in Support of the accompanying Petition to Withdraw the Holding of Abandonment Based Upon Failure to Receive the Notice of Allowance (MPEP §711(c) I. A and 37 C.F.R. §1.181) of 11/20/2007 for non-payment of the Issue and Publication Fees.

1. The undersigned is the Attorney of Record in this Application, and the Correspondence Address of Record in the USPTO is the undersigned's law office at the address below. On November 26, 2007, the Notice of Abandonment dated 11/20/2007 for non-payment of fees was received by the undersigned at his law office (the

correspondence address of the application). This was the first notice by the undersigned that a Notice of Allowance had issued in connection with this application. A copy of the Notice of Allowance and Fee(s) Due showing a mailing date of 7/26/2007 was then obtained from Private PAIR.

- 2. After a careful check of the file jacket of this Application Serial No. 10/051,339 (Attorney Docket No. E003-1006US0), and the undersigned's records and systems, the undersigned states that the Notice of Allowance and Fee(s) Due mailed 7/26/2007 was not received at the correspondence address of record of the USPTO.
- 3. The undersigned is a sole practitioner. He receives all mail, and personally reviews, dockets and reports to clients all Office Actions received from the USPTO. Two separate docketing (calendaring) systems are used for docketing Office Actions. The primary system is a manual system, comprising a Week-at-a-Glance Professional Appointments calendar, into which due dates of all received Office Actions or other patent related due dates are manually entered personally by the undersigned. Applications are identified in the docket by Attorney Docket Number. The Attorney Docket Number for this application is E003-1006USO.
- 4. The second docketing system is the Microsoft Outlook e-mail computer software calendar. Due dates for received Office Actions are also manually entered promptly by the undersigned into the Outlook calendar at the same time they are entered into the Week-at-a-Glance calendar, and an automatic reminder date of two weeks in advance of due dates is set. Office Actions are reviewed initially by the undersigned upon receipt for docketing of due dates, and Office Action due dates are entered into the

two docketing systems promptly upon receipt. Office Actions are then entered into the file jackets. Subsequently, the Office Actions are reviewed a second time more thoroughly and reported to clients. This second review includes verifying the previously docketed due dates.

- 5. The foregoing described approach and docketing systems are reliable. Microsoft Outlook is used daily as an email client by the undersigned, and the Outlook calendar automatically prompts the undersigned with reminders in advance of due dates. Both docketing system are reviewed daily for upcoming due dates. The undersigned has not failed to correctly docket an Office Action, and has not misplaced an Office Action after receipt or otherwise overlooked a due date using this approach and these docketing system.
- 6. Upon receipt of the Notice of Abandonment of 11/20/2007, the undersigned promptly conducted a complete search of the undersigned's records including docketing systems, and the application file jacket and contents. The docketing systems and the application file had no indication that the Notice of Allowance and Fee(s) Due was ever received.
- 7. Enclosed are copies of listings of the two master docketing/calendar systems for the five months July 2007 through November 2007. This includes the mailing date of 7/26/2007 of the Notice of Allowance, three (3) months past the mailing date to the due date of 10/26/2007 for paying fees, and a whole month past the due date. The Week-at-a-Glance Professional Appointments 2007 docketing/calendar copies comprise 40 pages in three pdf files (DKT-1, DKT-2 and DKT-3). The Outlook docketing/calendar

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copies comprise 5 pages in one pdf file (OL_Calendar_8-11-2007). (In addition to Office Action due dates, the Microsoft calendar is used to calendar other important dates.)

These docketing calendars show no indication of a Notice of Allowance having been received for Attorney Docket No. E003-1006US0, the docket number for this application.

- 8. Moreover, the undersigned has no recollection of having received the Notice of Allowance for this application. In fact, the undersigned anticipated that a response from the Office to the RCE filed on May 2, 2007 (see enclosed pdf file RCE_PC&Check) would be forthcoming, and was on the lookout for an Office Action. The Office Communication dated 8/29/2007 (see enclosed pdf file Off_Comm_8-29-07) acknowledging an IDS reassured the undersigned that the Office had the correct correspondence address for the application and that the application was being actively examined by the Office.
- 9. It was not until the Notice of Abandonment was received on November 26, 2007 that the undersigned realized that a Notice of Allowance had, in fact, been mailed and was past due. Prior to the Notice of Abandonment of November 26, 2007, the undersigned was unaware of the Notice of Allowance and Fee(s) Due. Dated: November 27, 2007 Respectfully Submitted,

/Barry N. Young/

Barry N. Young Attorney for Assignee/Applicants Reg. No. 27,744 Customer No. 48789 Law Offices of Barry N. Young Court House Plaza, Suite 410 260 Sheridan Avenue Palo Alto, CA 94306-2047 Phone: (650) 326-2701

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#### to AUGUST 12

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## from AUGUST 13

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#### to AUGUST 19

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#### from AUGUST 20

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# to AUGUST 26

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### from AUGUST 27

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#### to SEPTEMBER 2

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### from **SEPTEMBER 3**

WEEK 36

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October 2007 November 2007

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#### to SEPTEMBER 9

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## from **SEPTEMBER 10**

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**WEEK 37** 

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#### to SEPTEMBER 16

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October 2007

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October 2007

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11/26/2007 1:56 PM					Barry N. Young
				7.30am Terry Wels Qtrly Call 11:00am E003-1101US0 (SN 7.00pm Susan Me 10/029,638) IV Ext Troung & Primary Philip Lee (571-272-7959) 12:00pm Jon Putham	7.30am Terry Wells Qtrly Call 7.00pm Susan Nie
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E003-1016USO 4-th Month Due			11.00am E003-1101USO, IV w/ Exr. Troung ((571) 272.7959)	12:00pm/N E003-1104 (Cal Exr Bigrami 571-272-3907)	
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	4:06pm Yasser Sowob	11.45am Alan Foster (lunch)		2:00pm Yasser (Andrew Smith referal- provisional conversion)	
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sat/Sun	Friday	Thursday	Wednesday	(UCSUA)	Towns on the second
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64 T W T F S 10 11 12 11 12 15 10 18 18 20 11 15 24 25 26 27 28 29	Sat/Sun	7 A V902-1100 2-mo FINAL Date	10 11	77 88	55		11/26/2007 1:56 PM
### ##################################	Enday	E003-1104US		9	3 8:00am Call re Jury Duty (408) 808:-6666 after 5PM (Gp.615)	31 8:00am Jury Duty, GP 615 - (408) 808-6666	
w wilder	Thursday	August 1 E003-1101.US0 3-ma Rejection D E003-1005US0 3-mo Rej DUE 11:00am Luis 8, Ed	E003-1003US0 3-Mo Rej - DON		10:00am USPTO Webnair - New Ruis	8:00am Jury Duty, GP 615 - (408) 808-6666 1:00pm Ama Aguilar & Francine Bacchin	
	Wednesday	August 1 003-1101USO 3-ma Rejection D 11:00am Luis R. Ed	10:00am Alex, Scott and Pete	2:00pm CA Bar IP Law Seminar	77		~
206	Tuesday	:		***	20 E003-1008US0 3-Mo Rej. Respon	87	
7	Monday			8:00am D0721-1100 Issue Fee Due	20.	<b>.</b>	Barry N. Young

S. M. T. W. T. F. S. S. M. T. W. T. F. S.	Sat/Sun September 1 E003-1001USD 3-No Response D E003-1101USG 4th Mo Due Date	6 E003-1015USO Final 2-Mo Respon	<b>2</b>	<b>2 3</b>
Sylember 2007  T. W. T. F. S. S.  4 5 6 7 8 7 7 8 7 19 19 19 19 19 19 19 19 19 19 19 19 19	Friday		5:00pm Members Mixer/Happy Hour Mixer/Happy Hour Cit Conference Center, Santa Clara, CA)	. · · · · · · · · · · · · · · · · · · ·
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Thursday	9:30am Dr Meng 12:00pm Fed Bar - in re Seagate webcast	E003-1007US1 3-mo Rej Resp-DC	20 2.90pm:Perry Narancic
	Wednesday	V002-1160 3-mo FINAL DUE 7:00pm-Susan Nie		19:45am Alan - Sm CR
ır 2007	Tueschay	•	CZ393-5190 1 Mo to 30-Mo Natic 16:00am Alex, Scott & Pete	8:00am 020 - Mel Weisplat's Off 11:00am IV Exr Portsa (571) 272-4211 E003-10:0050 ((2:00 PM EDT)) 2:00pm Alon Adanl 25
September 2007	Monday	E003-1010US0 FINAL 2-Mo Date	9:30am AIPLA - New Rules C Webriar	*

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Barry N. Young

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Comber 2007 5 N T W T F S 7 8 10 11 12 13 21 22 24 25 26 27 22 23 26 21	hursday	6:00am v002-110	11	CZ333-5190 30-ylo Due Date for National Filings - Done	<b>80</b>	9:00am APSG - Glenn Collins	25	Discussion on patent ENC-05-403(PRO1)Of (Robin will call Barry's office rumber (650) 326-2701)			
		NJS0 FINAL 3-Mo Date 12:30pm Lunch Bernie Comp	10 531 60 05-40 But 5 5 5 10		17			6:00pm Discussion on patent ENC-05-403(PROJ)OF (Robin will call Barry's office number (650) 326-2701)	31		<b>.</b> 4:
	Tuesday	E003-1013USO 3-Mo Ref. :DONE E003-1010USO FINAL 3-Mo Date 12:30pm Lunch - Karl Henz 8 Bernie Vogel (Lion 8 Compass)	9 F003-1015150 Final 3-Mr Beerov E003-1103		9	· .	01.1100 2.Me Desertion Borne	REMINDER (CORE (104-68-1100) ( 1:00pm Phylogy Investor conf call (1.888.745.8770 PW: 879.630)	30	8:00am E003-1100USJ. ISSUE FEE DUE _PAID	
October 2007	Monday	<b>S</b>	8		<b>5</b>	• • • • • • • • • • • • • • • • • • •	308		62		Barry N. Young

Declerative: 2007  T. W. T. f. S.  11. 12. 13. 14. 15.  18. 19. 20. 21. 22.  25. 36. 27. 28. 25.	Sæt/Sun		10	11		**	72	<b>2</b>		<del>ш.,,,,</del>
T W T F S S M 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Friday	8:00am Dr. Nabai 327-1570 (cleaning ) 4:00pm /nt Ware Mtg (3401 Hillview Ave.)	9 E003-1015USO 4-th Mo Ext + F		16 G001-1500 PCT/US2006/ 018782 P002-1120 9-Mo Fgn Filing Remir 11:30am Luis Larzabal		23 H001-1100 4th Mo Response Due ICORE (10468-1100) US Pat 6,067		30	
S # ### ### ##########################	Thursday November 1		USPTO Clinia Road Show		8:00am.Dr. Nabai 10:00am.Justri Khoo 3:00am.Wayne Higashi		7		29	
	Weánesday		USPTO China Road Show 6:00pm G W Wade SLAC		9:00am Dr Boggs Physical			•	9:15am Dr. Haskell	
r 2007	Tuesday			<b>£</b>	7:00pm Susan Nie		B <b>y</b>		27	
November 2007	Monday		7.30am Terry Wells 8:00am V002-1100 5th Mo Ababridon per client			Ç	27		26 E003-1400US0 9-4to Reminder F	E003-1401USO 9-Mo Foreign Filir

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Barry N. Young

#### Attorney Docket No. E003-1006US0

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Applicants: Lolayekar, Santosh C. et al.

Attorney Docket No. E0035008060

Applicants: Lolayekar, Santosh C. et al.

Appln. No.: 10/051,339

Appln. No.: 10/051,339
Filed: January 18, 2002
Title: Enforcing Quality of Service in a Storage Network

MAY 0 2 2007

Date Mailed: April 30, 2007

### Received in the U.S.P.T.O. on the Date Stamped:

- 1. RCE Transmittal (PTO/SB/30)
- 2. Petition for Extension of Time
- 3. Request for Correction of Correspondence Address
- Check for \$910.00 for RCE and Ext. Fees 3.
- 5. Return Postcard

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100000000000000000000000000000000000000	LAW OFFICES OF BARRY N. YOUNG 11-49 948 1387 COURT HOUSE PLAZA, SUITE 410 \$480006272 260 SHERIDAN AVENUE PALO ALTO, CA 94308 DATE April 20, 2007
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PTO/S8/90 (04-07) Approved for use through 05/30/2007, OMB 0551-0031
U.S. Potent and Trademark Office, U.S. DEPARTMENT OF COMMERCE Uniter the Panerwork Reduction Act of 1995, no persons are required to restond to a collection at information unless it contains a void OMIII control number Request 10/051,339 **Application Number** for January 18, 2002 Filing Date Continued Examination (RCE) Lolayexar, Santosh C. **Transmittal** First Named Inventor Address to: 2154 Art Unit Mail Stop RCE Commissioner for Patents Lin, Wen Tai **Examiner Name** P.O. Box 1450 Alexandria, VA 22313-1450 E003-1006US0 Attorney Docket Number This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8. 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2. Submission required under 37 CFR 1 114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s) Previously submitted. If a final Office action is outstanding, any amundments fixed after the final Office action may be considered as a submission even if this box is not checked. Consider the arguments in the Appeal Brief or Reply Brief previously filed on Amendment/Reply Information Disclosure Statement (IDS) Affidavit(s)/ Declaration(s) ű. Miscellaneous Suspension of action on the above identified application is requested under 37 CFR 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required) Fees The RCE lee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed: The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. I have enclosed a duplicate copy of this sheet. RCE fee required under 37 CFR 1.17(e) Extension of time fee (37 CFR 1.136 and 1.17) Other Check in the amount of \$ 910.00 Payment by credit card (Form PTO-2038 enclosed) WARNING: information on this form may become public. Credit card information should not be included on this form, Provide credit card information and authorization on PTO-2038. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED Signature Date April 30, 2007 Name (PrintType) Registration No. CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Confrissioner for Patents, P. O. Box 1450, Alexandra, VA 22313-1450 or lacismile transmitted to the U.S. Patent and Transmistation. Office on the date shown below

Date April 30, 2007 This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to the tend by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is settinged to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this turden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Contineurs, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Frint/Type) Barry N. Young

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2:

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Lolayekar, Santosh C., et al.

Serial No.

10/051,339

Group Art Unit: 2154

Filed:

January 18, 2002

Examiner: Lin, Wen Tai

Title: Enforcing Quality of Service in a Storage Network

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Date: April 30, 2007

**PETITION FOR EXTENSION OF TIME** 

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

#### Dear Sir:

Applicants/Appellants' hereby petition pursuant to 37 C.F.R. §1.136 for a one (1) month extension of time to respond to the Final Rejection. The Final Rejection was mailed January 12, 2007. An Amendment After Final filed April 10, 2007 was not entered. This Petition extends the due date for the Response to May 18, 2007 and accompanies a Request for Continued Examination with a request to enter the un-entered Amendment.

The fee for the one (1) month extension of time applicable to a Large Entity in the amount of \$120 is included in the enclosed check.

Dated: April 30, 2007

Respectfully Submitted,

Barry N. Young

Attorney for Assignee/Appellants

Reg. No. 27,744

Customer No. 48789
Law Offices of Barry N. Young
Court House Plaza, Suite 410
260 Sheridan Avenue
Palo Alto, CA 94306-2047

Phone: (650) 326-2701 Fax: (650) 326-2799 byoung@young-iplaw.com

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Lolayekar, Santosh C., et al.

Serial No.

10/051,339

Group Art Unit: 2154

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January 18, 2002

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Date: April 30, 2007

Request for Correction of Correspondence Address

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Please insure that all correspondence in connection with this application is directed to the undersigned attorney of record:

Barry N. Young
Law Offices of Barry N. Young
260 Sheridan Avenue, Suite 410
Palo Alto, CA 94306

Docket No. E003-1006US0

A Power of Attorney in favor of the undersigned was filed 11/21/2005, and accepted 01/04/2006, as shown by the attached copy of the Notice of Acceptance of Power of Attorney. However, the last two communications in connection with this application were misdirected to the previous attorneys.

Please correct the records to ensure that all future correspondence is directed to the undersigned.

Dated: April 30, 2007

Respectfully Submitted,

Barry N. Young

Attorney for Assignee/Appellants

Reg. No. 27,744

Customer No. 48789 Law Offices of Barry N. Young Court House Plaza, Suite 410 260 Sheridan Avenue Palo Alto, CA 94306-2047 Phone: (650) 326-2701

(650) 326-2799 Fax. byoung@young-iplaw.com



#### United States Patent and Trademark Office

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PRESENT STATEMENTS
Attended Spres 2013-1412

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTY, DOCKET NOUTHLE

10/051,339

01/18/2002

Santosh C. Lolayekar

**MARA-01006US0 SBS** 

LAW OFFICES OF BARRY N. YOUNG 260 SHERIDAN AVENUE SUITE 410 PALO ALTO, CA 94306-2047

**CONFIRMATION NO. 6530** *OC00000017776970* 'OC000000017776970'



Date Mailed: 01/04/2005

#### NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

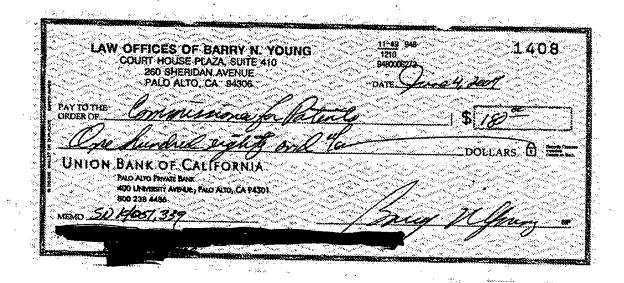
This is in response to the Power of Attorney filed 11/21/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

auca 13x, 490

PAULAS BRITTON 2800 (571) 272-1556

ATTORNEY/APPLICANT COPY



Attorney Docket No. E003-1006US0.

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Applicants: Lolayekar, et al. Appl. No.: 10/051,339 Filing Date: January 18, 2002

Filing Date: January 18, 2002
Title: Enforcing Quality of Service in a Storage

Network

#### Received in the U.S.P.T.O. on the Date Stamped:

Transmittal Form

Information Disclosure Statement and Non-Patent References

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4. Return Postcard:

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Under the Papers	ork Reduction Act of 19	15. no person	U. S Big required to respond to a	S. Patent and	Approved for Trademark Off	PTO/SB/21 (04-07 use through 09/30/2007. OMB 0651-003 ce; U.S. DEPARTMENT OF COMMERCE as it discloves a valid OMB control number
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	FORM		First Named Inventor	Santosh	C. Lolayekar	***************************************
			Art Unit	2154		
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	Officces of Barry N.		Customer No. 48789			
Signature	1 must	form	4			
Printed name Ban	y N. Young	7		<b>***</b> *********************************	***************************************	
Date Jun	4, 2007	***************************************		Reg. No.	27,744	
I hereby certify that this sufficient postage as fitte date shown below.	correspondence is h	einz facsió	ATE OF TRANSMISS  ille transmitted to the USP ressed to: Commissioner for	TO 10 0	LING	United States Postal Service with Alexandria, VA 22313-1450 on
Signatura	Barro	2 X 1	hush	***************************************		
Typed or printed name	Barry N. Young	1		***************************************	Date	June 4, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Intomation Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No.: E003-1006US0

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lolayekar, Santosh C.

Serial No. 10/051,339

Group Art Unit: 2154

Filed:

01/18/2002

Examiner: Lin, Wen Tai

Title: Enforcing Quality of Service in a Storage Network

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: June 4, 2007

### INFORMATION DISCLOSURE STATEMENT

Mail Stop: Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

#### Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. §§ 1.97 – 1.98, Applicant(s) hereby make of record the references listed on the accompanying Form(s) PTO/SB-08A/08B for consideration by the Examiner in connection with the above-identified application.

Docket No.: E003-1006US0

This application is related to the series of U.S. applications cross-referenced in the specification, several of the references cited in this Information Disclosure Statement were cited in a Supplemental European Search Report(s) in connection with one or more European applications corresponding to one or more of the cross-referenced applications, within three (3) months of the filing of this Information Disclosure Statement.

Other ones of the cited references were cited and applied by the Office in connection with one or more of the U.S. application cross-referenced in the specification.

The fee set forth in 37 CFR 1.17 (p) is enclosed.

Dated: June 4, 2007

Respectfully Submitted,

Law Offices of Barry N. Young

Barry N. Young / Attorney for Assignee

Reg. No. 27,744

Customer No. 48789

Law Offices of Barry N. Young Court House Plaza, Suite 410 260 Sheridan Avenue Palo Alto, CA 94306-2047 Phone: (650) 326-2701 Fax: (650) 326-2799

byoung@young-iplaw.com

PTO/SB/08A (04-07)

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Substitute for form		Co	mon unless if contains a valid OMB control number mplete if Known
		Application Number	10/051,339
INFORM	ATION DISCLOSURE	Filing Date	01/18/2002
		First Named Inventor	Santosh C. Lolavekar
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Exammer	Cite	Document Number	Publication Date	Page of Patentee or	Pages, Columns, Lines, Where
livitials*	No.'	Number-Kind Code ^{2 (Finance)}	MW-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		^{US-} 2002/0116535	08-2002	Ryals et al.	
		^{US-} 2003/0236945	12-2003	Nahum, Nelson	***************************************
		^{US} -6,693,906	02-2004	Tzeng, Shr-jie	
		US-2003/0074473	04-2003	Pham et al.	
		^{US-} 6,880,070	04-2005	Gentieu et al.	<del></del>
		^{US-} 6,745,207	06-01-2004	Reuter et al.	
		^{US} 6,725,393	04-20-2004	Pellegrino et al.	
		^{US-} 6,785,290	08-2002	Fujisawa st al.	
		US- 6,292,489	09-2001	Fukushima et al.	
	ż	^{US-} 6,621,818	09-2003	Szczepanek et al.	
		US- 6,647,019	11-2003	McKeown et al.	
		^{US-} 6,687,247	02-2004	Wilford et at.	
		US-6,993,027	01-2006	Kadambi et al.	<u> </u>
		US- 2002/0057684 A1	05-2002	Miyamoto et al.	···
		us-6,831,916	12-2004	Parthasarathy et al.	
		US-7,089,293 B2	08-2006	Grosner et al.	***************************************
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FOREIGN PATENT DOCUMENTS							
	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	1	
		Country Code ² Number * Kind Code ⁵ (# known)		A Marian at princip posturbilit	Or Relevant Figures Appear	98	
		WO 01/06385 A1	12/25/2001	Netconvergence, Inc.			
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EXAMINER: Initial it reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspio.gov">www.uspio.gov</a> or MPEP 901.04. 'Enter Office this issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanase patent documents, this indication of the year of the reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 'Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

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PTO/SB/08B (04-07)

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			First Named Inventor	Santosh C. Lolayekar		
			Art Unit	2154		
			Examiner Name	Lin, Wen Tai		
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Examiner	Cite	NON PATENT LITERATURE DOCUMENTS	
Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	72
•		BLUNDEN METAL: "Storage Networking Virtualization what it all about" IBM Red Books, December 2000	
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Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to piace a check mark here if English language Translation is strucked.

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Assembly, Viginia 22313-1480
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EME-05-290(PRC)CROW ATTORNEY DOCKET NO. CONFIRMATION NO. FIRST NAMED INVESTOR APPLICATION:NO. FILING DATE 6530 Santosh C. Lolayekar MARA-01006US0 SBS 10/051,339. 01/18/2002 38789 **590 08/29/2007 EXAMINER LAW OFFICES OF BARRY N. YOUNG RECEIVED LIN. WEN TAI 260 SHERIDAN AVENUE **SUITE 410** ART UNIT PAPER NUMBER SEP 0 3 2007 PALO AUTO, CA 94306-2047 2354 MAIL DATE DELIVERY MODE 08/29/2007 PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.